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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/756,345	04/24/01	MC MILLEN	

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WM02/1025

EXAMINER

TRIED, V

ART UNIT	PAPER NUMBER
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2632

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DATE MAILED: 10/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/756,345

Applicant(s)

MCMILLEN, DEANE DORWIN

Examiner

Van T Trieu

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because the Draw 3/4 and Draw 4/4 are not acceptable, they should be change to FIG. 8 and FIG. 9, respectively. Correction is required.

Specification

2. The disclosure is objected to because of the following informalities:

In the specification,

Page 1, line 22, remove the phrase "Drawing 1/4 shows FIG. 1, FIG. 2, FIG. 3.";

Page 1, line 25, remove the phrase "FIG. 2." and make a new line for the a paragraph starting "FIG. 2 shows the microswitch";

Page 2, line 1, remove the phrase "Drawing 2/4 shows FIG. 4, FIG. 5, FIG. 6, and FIG. 7.";

Page 2, line 5, make a new line for the paragraph starting "FIG. 5 shows the ..."

Page 2, line 8, delete the "(A)" and make a new line for the paragraph starting "FIG. 6 is mounted on"

Page 2, line 10, make a new line for the paragraph starting "FIG. 7 shows the appropriate"

Page 2, line 12, change the phrase "Drawing 3/4 to --- FIG. 8 ---.

Page 2, line 20, change the phrase "Drawing 4/4 to --- FIG. 9 ---.

Art Unit: 2632

In the DETAILED DESCRIPTION OF THE INVENTION, Pages 3 and 4 should change all of the Drawing 1/4, 2/4, 3/4 and 4/4, FIG.8 and FIG. 9 according to the changing in the BRIEF DESCRIPTION OF SEVERAL VIEWS OF THE DRAWINGS as above.

Appropriate correction is required.

NOTE: In the Specification filed on January 08, 2001, with a total of 6 pages, which is an unacceptable format. If applicant would like to incorporate it into the new Specification filed on April 24, 2001, then it should be corrected with the right format. Otherwise, the Specification filed on January 09, 2001 will not consider.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by **Marek** [US 5,898,371].

Regarding claim 1, the claimed newspaper box monitor comprising a visual blinking light to indicate that a newspaper is in the box (newspaper box 1 comprising a mechanical detecting means a micro-switch 11 arranged inside the box will detect mail, newspaper

Art Unit: 2632

or any object inside the box, and an indicating means 10 to activate optical light upon detecting of a newspaper inside the box or to activate the acoustic indicator or with a mechanical flag indicator located remotely from the newspaper box 1, see Figs. 1-13, col. 1, lines 15-28, col. 2, lines 21-55, col. 3, lines 28-36, col. 6, lines 26-67 and col. 7, lines 1-2.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rau et al discloses a mail indicator including a weight receiving plate that is mechanically linked to a pair of electrical contacts to activate the light when there is a mail inside the mail box. [US 5,695,113]

Mason discloses a device for detecting and signaling the presence of an object in a closed container such as mailbox or newspaper box. [US 5,377,906]

Murphy et al discloses a system for indicating the deposit of mailing mailbox comprising a two channel transmitter positioned within a mailbox and a two channel receiver positioned within a household which provides means for indicating the opening of the mailbox door to deposit mail. [US 5,239,305]

Benages discloses a signal to indicate deposit of mail in a box remote from a resident employing an optical reflective detector which senses presence of mail in the box and RF transmission for transmitting indication signal. [US 4,794,377]

Art Unit: 2632

Conigliaro discloses a rural mail indicator signal system comprising a miniature radio signal transmitter at the mail box which sends out a pulse like signal when the mailbox door is opened or closed, to an RF receiver located inside the resident to activate an audible signal or a visual signal or both. [US 3,611,333]

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to primary examiner **Van Trieu** whose telephone number is (703) 308-5220. The examiner can normally be reached on Mon-Fri from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (703) 305-4717.

The office facsimile number is (703) 872-9314.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

Van Trieu
Primary Examiner
Date: 10/23/01